

REMARKS

Claims 5-9 and 14-34 have been canceled. Claims 1-4, 10-13, and 35-42 remain pending in the application. Applicant respectfully requests that the Examiner enter and consider the amendments to claims 1, 4, 11, 36-38, and 40 in the Response to Office Action filed on July 9, 2007 for clarification. No new matter has been added.

Claims 1-4, 10-13, and 35-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over a number of websites apparently on “MILES 2000” by Cubic Defense Applications in view of U.S. Patent No. 5,474,452 to Campagnuolo. Applicant respectfully traverses the rejection.

In the Advisory Action dated July 31, 2007, the Examiner maintained the claim rejection by citing a requirement document and a FAS summary for MILES 2000 as demonstration that all documents in connection with MILES 2000 would pre-date the claimed invention.

Applicant respectfully submits that the cited MILES 2000 requirement document merely describes required parameters for the MILES 2000 program, and does not itself disclose or suggest any prior operable invention—nor does it enumerate any requirements—that suggests the claimed invention, in particular, the claimed feature of a unit laser receiver that extracts position information from a received laser and judges shot effect using stored geographical features information. Correspondingly, the cited FAS summary for MILES 2000 includes description of weapon simulation by transmitting and receiving laser pulses that merely include “player ID and the type of weapon used.” And therefore, this description of the MILES 2000 also fails to suggest the above-cited feature of the claimed invention.

Applicant respectfully points out to the Examiner that although requirements of a system may be defined in 1996, implementations and updates to meet those requirements

after the priority date of this application would still not be prior art to the claimed invention.

Copyright notices usually indicate the first publication of a work, and thus, it is material—and, indeed, crucial—that a copyright notice bears a date after the priority date of this application because it indicates that the copyrighted materials were published—and at least include information added—on the date of the copyright notice. Therefore, the website material bearing a copyright notice after the priority date of the present application is not prior art unless it can be shown that the specific material cited therein was published before the priority date of the claimed invention—especially when the cited requirement document and FAS summary do not include any disclosure or suggestion of the above-described feature of the claimed invention.

Accordingly, Applicant respectfully submits that claim 1, together with claims 2-4 and 35-39 dependent therefrom, is patentable over Cubic Defense Applications and Campagnuolo, separately and in combination, for at least the reasons given in the Response to Office Action filed on July 9, 2007 and those enumerated above. Claims 10-13 incorporate features that correspond to those of claim 1 cited above and are, therefore, together with claims 40-42 dependent from claim 10, patentable over the cited references for at least the same reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

/Dexter T. Chang/

Dexter T. Chang

Reg. No. 44,071

CUSTOMER NUMBER 026304

Telephone: (212) 940-6384

Fax: (212) 940-8986 or 8987

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